

REMARKS

Claims 29, 42, 54, 58-67, 89, 90, and 94-105 are pending in the application. Claims 29, 42, 58, 60, 89, 90, 95, 97, and 105 stand rejected. Claims 54, 59, 61-67, 94, 96, and 98-104 are objected to for being dependent upon a rejected base claim, but the Examiner has indicated these claims would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claims 54, 58-67, and 94-104 have been amended. Claims 29, 42, 89, 90, and 105 have been canceled. No new matter has been introduced. Reconsideration and allowance of Claims 54, 58-67, and 94-104 is respectfully requested.

The Rejection of Claims 29, 42, 58, 60, 89, 90, 95, 97, and 105 Under 35 U.S.C. § 102(e) as Being Anticipated by U.S. 2004/0058340 (Dai et al.)

Claims 29, 42, 58, 60, 89, 90, 95, 97, and 105 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. 2004/0058340 (Dai et al.). Applicants respectfully traverse this ground of rejection for at least the following reasons.

While not acquiescing to the Examiner's position, but solely in order to facilitate prosecution, the claims have been amended as follows.

Claim 54 has been amended to incorporate the features of Claim 42, now canceled. In addition, Claim 42 has been amended to replace the phrase "at least two genes from Table 1" with the phrase "at least five genes from Table 1." Support for this amendment is found in the specification as filed, for example at paragraph [0124] on page 28 of the application, published as U.S. 2008/0187909.

Claims 58-67 have been amended to depend from Claim 54. In addition, Claim 58 has been amended to replace the phrase "at least two genes from Table 1" with the phrase "at least ten genes from Table 1." Claims 60, 62, 64, and 66 have been amended to replace the phrase "at

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

least two genes" with the phrase "at least five genes." Support for these amendments is found in the specification as filed; for example, at paragraph [0124] on page 28 of the application, published as U.S. 2008/0187909.

Claim 94 has been amended to incorporate the features of Claim 89, now canceled. In addition, Claim 94 has been amended to replace the phrase "has been classified" with the term "is." Claim 94 has also been amended to replace the phrase "at least two genes from Table 1" with the phrase "at least five genes from Table 1." Support for these amendments are found in the specification as filed; for example, at paragraph [0124] on page 28 of the application, published as U.S. 2008/0187909.

Claims 95-104 have been amended to depend from Claim 94. In addition, Claim 95 has been amended to replace the phrase "at least two genes from Table 1" with the phrase "at least ten genes from Table 1." Claims 97, 99, 101, and 103 have been amended to replace the phrase "at least two genes" with the phrase "at least five genes." Support for these amendments is found in the specification as filed; for example, at paragraph [0124] on page 28 of the application, published as U.S. 2008/0187909.

The Examiner has indicated that Claims 54, 59, 61-67, 94, 96, and 98-104 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. In this regard, it is noted that new independent Claim 54 (which previously depended from Claim 42), has been amended to incorporate all the features of Claim 42 (now canceled). Similarly, new independent Claim 94 (which previously depended from Claim 89) has been amended to incorporate all the features of Claim 89 (now canceled). Therefore, as acknowledged by the Examiner, independent Claims 54 and 94, as amended, and dependent Claims 58-67 and 95-104, respectively, are allowable over the cited reference. Accordingly, removal of this ground of rejection is respectfully requested.

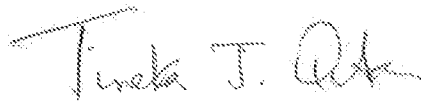
LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESSTM
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

Conclusion

Applicants believe that the pending claims are in condition for allowance. Reconsideration and allowance is respectfully requested. The Examiner is further requested to contact applicants' representative at 206.695.1655 to discuss any issues that may facilitate prosecution of this application.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Tineka J. Quinton
Registration No. 53,496
Direct Dial No. 206.695.1655

TJQ:jlq

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100